

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

STEPHEN MELISE,
Plaintiff

v.

PATRICIA COYNE-FAGUE, in her official
capacity as Director of the Rhode Island Department
of Corrections; *ET AL.*,
Defendants

C.A. No. 1:17-cv-00490-MSM-PAS

JURY TRIAL DEMANDED

**RIDOC'S REQUEST FOR ENLARGEMENT OF TIME TO RESPOND TO
PLAINTIFF'S MOTION TO ADJUDGE IN CONTEMPT (ECF 85)**

NOW COME Defendants the State of Rhode Island, Department of Corrections (the "State" or "RIDOC"); Ashbel T. Wall, individually and in his official capacity as former-Director of RIDOC ("A.T. Wall");¹ and Kerri McCaughey, individually and in her official capacity as Deputy Warden of RIDOC ("McCaughey") (collectively, "RIDOC Defendants") and respectfully request a thirty (30) day extension, up to and including Friday, April 29, 2022 to respond to Plaintiff's Motion to Adjudge in Contempt (ECF 85).

In support thereof, RIDOC Defendants assert that a Motion to Vacate the Court's February 11, 2022 Order is pending as well as RIDOC's Objection *Nunc Pro Tunc* to Plaintiff's Motion to Compel.² Moreover, RIDOC Defendants will seek a Protective Order with respect to Plaintiff's

¹ Pursuant to Fed. R. Civ. P. 25(d), Patricia Coyne-Fague, in her official capacity as Director of the Rhode Island Department of Corrections, is automatically substituted in place of former-Director Ashbel T. Wall in his official capacity, as Defendant A.T. Wall retired from RIDOC in January 2018.

² RIDOC Defendants incorporate by reference the arguments asserted in their Motion to Vacate and Objection *Nunc Pro Tunc* as if fully set forth herein.

Request for Production and Interrogatories directed to Former-Director A.T. Wall, in his individual capacity. RIDOC will provide an affidavit from A.T. Wall's treating physician to establish the special circumstances that support a protective order pursuant to Fed. R. Civ. P. 26. Additionally, the undersigned represents that such an extension is further necessary because of professional obligations in other matters pending in federal and state courts.

This is RIDOC Defendants' first request for an extension of time with respect to Plaintiff's Motion to Adjudge in Contempt (ECF 85).

CONCLUSION

WHEREFORE, RIDOC Defendants respectfully request that this Honorable Court grant the instant motion.

Respectfully Submitted,

RIDOC Defendants,
By:

PETER F. NERONHA
ATTORNEY GENERAL

/s/ Justin J. Sullivan

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the within document has been electronically filed with the Court through the ECF system on Wednesday, March 30, 2022 and that it is available for viewing and downloading. I also caused a true and accurate copy of the within document to be served through the ECF system on the following parties and/or counsel of record:

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/s/ Justin J. Sullivan